

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 14TH AUGUST 2007 / 23RD SRAVANA 1929

Bail Appl..No. 4957 of 2007()

[CRIME NO.264/2007 OF NOORANAD POLICE STATION]

PETITIONERS/ACCUSED NOS.1 TO 4

1. IBRAHIM KUTTY,
MUKALUVILAYIL PADINJATTETHIL, KARIMULACKAL MURI,
CHUNAKKARA VILLAGE, ALAPPUZHA DISTRICT.
2. KABEER,
MUKALUVILAYIL, CHUNAKKARA THEKKU MURI,
CHUNAKKARA VILLAGE, ALAPPUZHA DISTRICT.
3. JALAL,
MUKALUVILAYIL, KOTTAKKATTUSSERY MURI,
THAMARAKKULAM VILLAGE, ALAPPUZHA DISTRICT.
4. HANEEFA,
MUKALUVILAYIL PADINJATTETHIL, KARIMULACKAL MURI,
CHUNAKKARA VILLAGE, ALAPPUZHA DISTRICT.

BY ADV. SRI.C.B.SREEKUMAR

RESPONDENT:

STATE OF KERALA, REPRESENTED BY
THE SUB INSPECTOR OF POLICE, NOORANAD POLICE
STATION, REPRESENTED BY THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION
ON 14/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J.

B.A.No.4957 of 2007

Dated this the 14th day of August 2007

O R D E R

Application for anticipatory bail. Petitioners are husband and brothers-in-law of the de facto complainant. Crime has been registered raising allegations inter alia under Section 498A I.P.C. All other offences are bailable. Marriage took place on 17/5/1998. Spouses are blessed with two children. There is some strain in the matrimony. Attempt was made to mediate the dispute. In the course of such mediation, there were verbal and physical altercations. Complaint was made before the police. Crime has been registered. Investigation is in progress. Petitioners apprehend imminent arrest. The learned counsel for the petitioners submits that there is strain in the matrimonial tie. Because of such strain, exaggerated and fanciful allegations are being raised against the petitioners. The petitioners may be granted anticipatory bail.

2. The learned Public Prosecutor does not oppose the prayer for anticipatory bail. Appropriate conditions may be imposed, it is submitted. In the facts and circumstances of this case, I am satisfied that anticipatory bail can be granted to the petitioners. In coming to this conclusion, the fact that all possibilities of re-conciliation in marriage would be foreclosed if the petitioners were arrested and detained does weigh with me. Appropriate conditions can of course be imposed.

3. In the result, this petition is allowed. Following directions are issued under Section 438 Cr.P.C in favour of the petitioners.

i) Petitioners shall surrender before the learned Magistrate having jurisdiction at 11 a.m on 21/8/2007.

ii) They shall be released on regular bail on condition that they execute bonds for Rs.25,000/-(Rupees twenty five thousand only) each with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

iii) The petitioners shall make themselves available for interrogation before the investigating officer between 10 a.m and 12 noon on 22/08/2007 and 23/08/2007 and thereafter on all Mondays and Fridays between 10 a.m and 12 noon for a period of one month. Subsequently the petitioners shall so appear as and when directed by the investigating officer in writing to do so.

(iv) If the petitioners do not appear before the learned Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioners and deal with them in accordance with law, as if these directions were not issued at all.

(v) If they were arrested prior to 21/8/2007, they shall be released from custody on their executing a bond for Rs.25,000/-(Rupees twenty five thousand only) without any sureties, undertaking to appear before the learned Magistrate on 21/8/2007.

(R.BASANT, JUDGE)

jsr

// True Copy//

PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007